



George Latimer
County Executive

Office of the County Attorney

John M. Nonna
County Attorney

Honorable Philip M. Halpern
United States District Judge
United States District Court
United States Courthouse
300 Quarropas Street, Chambers 533
White Plains, New York 10601-4150

Defendant's application for one 30-day extension of time to serve its expert report(s) is granted. The parties are directed to file, by 5:00 p.m. on February 22, 2022, a Fourth Amended Civil Case Discovery Plan and Scheduling Order for the Court's approval.

No further adjournments will be granted.

The Clerk of the Court is respectfully directed to terminate the motion sequence pending at Doc. 154.

SO ORDERED.

Philip M. Halpern
United States District Judge

Dated: White Plains, New York
February 18, 2022

Re: *Dante Edoardo Daly v. Westchester County Board of Legislators*
19 cv-4642 (PMH)
Request for extension to serve expert report(s)

Dear Judge Halpern:

This office represents Defendant Westchester County Board of Legislators ("BOL") in the above-referenced action and submits this letter to request a 30 day extension to file its expert report(s). The reason for this request is that we have not received medical records from the providers who Plaintiff claims will support his claims under the ADA and Rehabilitation Act.

Plaintiff has selected various medical records and has provided copies of those records. However, during his depositions on October 14, 2021, January 11, 2022, January 12, 2022 and January 13, 2022, Plaintiff testified that the providers who supported his claim in this case that he suffered from a particular disability¹ included Drs. Virk, Suman, Vesci, LaSalle, Ellorzy and Veira. At his deposition Plaintiff testified (for the first time) that he also suffered from another alleged disability in this case both before and subsequent to his termination from the BOL and which was exacerbated after his termination. According to Plaintiff, he saw Dr. Rao and Dr. Eveces in connection with that alleged diagnosis. Despite repeated requests that he provide HIPAAs to support his claims throughout discovery both before and after his depositions, Plaintiff did not provide same until on or about January 25, 2022 when he provided

¹ The alleged disability is not included in this letter which is publicly filed based upon confidentiality. *But see* Second Amended Complaint ("SAC"), Dkt. No. 2 and 35, page 9 of 17. The additional alleged disability is also not included in this letter and is not mentioned in the SAC.

releases for Drs. Virk, Veira, Suman, LaSalle and Ellorzy. He has yet to provide HIPAAs for Drs. Rao, Evces and Vesci.

Given these facts, the BOL respectfully requests an extension from February 28, 2022 to March 29, 2022 to serve their expert(s) report(s) to allow it to properly defend this case and to review any additional medical information relevant to Plaintiff's claims. Plaintiff's counsel does not oppose this request.

Respectfully,
JOHN M. NONNA
Westchester County Attorney
By: s/ Irma Cosgriff
Irma Cosgriff
Associate County Attorney

VIA ECF